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**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 1/24/2017 12:07:21 PM  
**Subject:** FW: EPA Daily News Briefing for Tuesday, January 24, 2017  
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Thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

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TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: TUESDAY, JANUARY 24, 2017 7:00 AM EST

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very similar to what others have done.” The [Washington Post](#) (1/23, Dennis, Eilperin) says the move could impact “everything from state-led climate research to localized efforts to improve air and water quality to environmental justice projects aimed at helping poor communities.”

***New Members Of Trump EPA Drawn Heavily From Energy Industry Lobby.*** [Reuters](#) (1/23, Volcovici, Gardner) reports that the Trump administration recently named 10 new members to its EPA team, many of whom come from “the energy industry lobby and pro-drilling think tanks.” The team’s make-up “has reinforced expectations that Trump will follow through on his promise to slash U.S. environmental regulation as a way to promote drilling and mining.” [E&E Publishing](#) (1/23) reports in more detail on some of the members of Trump’s EPA “beachhead team.”

## Climate Change

### **CDC Cancels Climate Change Conference To Avoid Conflict With Incoming Administration.**

The [AP](#) (1/23, Stobbe) reports that the Center for Disease Control has canceled a conference planned for next month on climate change and health, “but isn’t saying why publicly.” A co-sponsor claims that the CDC “was worried how the conference would be viewed by the Trump administration.” He clarified that the Trump administration “did not ask or order that the meeting be canceled,” instead, the decision to cancel was a “strategic retreat,” according to Dr. Georges Benjamin, executive director of the American Public Health Association.

## Enforcement

### **US Judge Approves VW Emissions Scandal Settlement.**

[Reuters](#) (1/23) reports US District Judge Charles Breyer has given “final approval to Volkswagen AG’s (VOWG\_p. DE) settlement worth up to \$1.21 billion with 652 U.S. dealers over its diesel emissions scandal.” Under the settlement, VW dealers will each receive an average of \$1.85 million over 18 months. Additionally, VW pledged to continue “making volume-based incentive payments to dealers, and will allow them to defer capital improvements for two years.”

### **Local TV Coverage: Refinery Fined In Washington State.**



[KATU-TV](#) Portland, OR (1/23, 9:37 p.m. EST) reported, “The Tesoro Refinery in Washington has been hit with a fine for violating the Clean Air Act. It’s a Texas-based company with a poor environmental and safety record. This is video from a 2010 explosion at the Mount Redoubt Vernon, Washington, plants. The EPA says the facility failed two inspections in 2011 that could have led to dangerous chemical leaks. While Tesoro is disputing the findings, the company has agreed to pay a \$325,000 fine.”

## International

### **Additional Reading.**

- [Paris Rolls Out Color-code Stickers For Cars To Curb Pollution.](#) [Reuters](#). (1/23, Libert)

## Other News

### Lehr Says Time Has Come To End EPA.

In a commentary for [Breitbart](#) (1/23), Jay H. Lehr, Ph.D., science director of The Heartland Institute, writes that during the “Republican National Convention last summer, the GOP approved a platform that stated: ‘We propose to shift responsibility for environmental regulation from the federal bureaucracy to the states and to transform the EPA [Environmental Protection Agency] into an independent bipartisan commission, similar to the Nuclear Regulatory Commission, with structural safeguards against politicized science.’” The platform also says “We will likewise forbid the EPA to regulate carbon dioxide, something never envisioned when Congress passed the Clean Air Act.” Lehr added, “Trump and the GOP are saying, finally, what millions of people have been thinking for a long time: EPA has become the cause of, not the solution to, the nation’s major environmental problems. It’s time to end EPA.”

### Senate Committee Postpones Votes On Perry, Zinke.

[The Hill](#) (1/23, Henry) reports Senate Energy and Natural Resources Committee has postponed a vote, which was scheduled for Tuesday morning, on two of President Trump’s cabinet nominees, former Texas governor Rick Perry to head the Energy Department and Rep. Ryan Zinke to be the next Interior Secretary. On Monday evening, the committee said that the hearing will be delayed “until further notice.” Perry and Zinke “have not been considered especially controversial nominees.” [Reuters](#) (1/23) reports “the panel gave no reason for the delay.” [NBC News](#) (1/24) also provides coverage of the postponement on its website.

The [Washington Examiner](#) (1/23) reports both “nominees are less controversial than Trump’s pick to lead the Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt, who is being considered by the Environment and Public Works Committee.” The three men “are the key Cabinet officials who would drive Trump’s energy and environment agenda.” A separate article by [The Hill](#) (1/23, Cama, Henry) reports that if the nominations are approved by the committee, “they’ll move to the floor for a final confirmation vote.”

***Watchdog Group Director Says Perry Avoided “Oops” Moment During Hearing.*** [ClimateWire](#) (1/23) reports Perry’s performance during the hearing “has earned him praise for style and criticism on substance” and that he “avoided saying anything controversial in his bid to lead” DOE. Director of Texans for Public Justice Craig McDonald said, “I thought he didn’t have any ‘oops’ moments at all.” McDonald added, “I thought he was pretty cautious. ... I think his positions are more extreme than he characterized them [Thursday]. What it’s going to be going forward, I don’t know. What we do know about him is he’s a good politician.”

In an article about the new Senate cybersecurity panel, [Bloomberg BNA](#) (1/23, Stoller) reports many Cabinet nominees “have been tackling cybersecurity questions in their confirmation hearings.” Perry “said at his hearing for Energy secretary Jan. 19 that he will take responsibility for the Energy Department’s cybersecurity concerns.”

***SAEN: Perry Did “Reasonably Well” At Confirmation Hearing.*** In an editorial the [San Antonio Express-News](#) (1/23) writes that during his confirmation hearing the former Texas governor “performed reasonably well.” The piece goes on to say that it was important that Perry “disavowed a controversial questionnaire President Donald J. Trump’s transition team had given to the Energy Department” and he highlighted that “the questionnaire preceded his selection to the post.” He stated, “I didn’t approve it. I

don't approve of it. I don't need that information. I don't want that information. ... I have a history of working with people to deal with the challenges that face us." The Express News concludes, "It's the last point that could be Perry's greatest strength overseeing what he now understands is a vital and significant agency."

**Smitherman Resigns Partnership From Vinson & Elkins Law Firm.** Fuel Fix (TX) (1/23) reports Barry Smitherman, former chairman of the Railroad Commission of Texas and the Public Utility Commission of Texas, has "resigned his partnership at Vinson & Elkins on Friday." Smitherman left the firm to "pursue other career opportunities and interests," the firm said in a statement. Last month, "Smitherman wrote an opinion piece in the Dallas Morning News about why former Texas Governor Rick Perry is a great pick to be the next U.S. secretary of energy." Smitherman "pointed to Perry's work in creating a competitive electricity market for consumers, spurred the development of wind power and supported the domestic oil and gas industry with extra resources, especially as fracking greatly enhanced production."

**Chapin Criticizes Trump For "Going After" Intellectual "Elites."** In a piece highly critical of Trump for "going after" on intellectual "elites" and his Cabinet choices, Laura Chapin, a Democratic communications strategist, writes for U.S. News & World Report (1/23, Chapin) that "in his elevation of ignorance and dismissal of 'elites,' Trump is nominating cronies, contributors and fools to some of the most important jobs in Washington." Among the Energy Department's "priorities" are "ensuring the integrity and safety of the country's nuclear weapons." President Obama's most recent energy secretary, Ernest Moniz, "is a nuclear physicist." Stephen Chu, who came before Moniz, "won the Nobel Prize." Perry, Trump's nominee for the post, received "a D in meat science at Texas A&M and blanked on the name of the agency itself at a Republican debate." Chapin contends "these people have no idea what they're doing or have the slightest competence at running a federal agency" but they are "loyal" to Trump and "that's all that matters."

#### **Additional Reading.**

- ☐☐☐☐☐☐☐☐ **Obama's EPA Chief Keeps Twitter Handle.** Washington Examiner. (1/24, Emery)
- ☐☐☐☐☐☐☐☐ **SOURCE: Career EPA Staffers Will Undermine Trump, Leak To The Press.** Daily Caller. (1/23, Bastasch)

### **Pesticides**

#### **Additional Reading.**

- ☐☐☐☐☐☐☐☐ **DDT In Spotlight As Trump Team Takes EPA Helm.** Greenwire (1/23)

### **Rules/Regulations/Policy**

#### **Energy Institute's Guith Quoted On Potential Rollback Of Methane Regulations.**

The Washington Examiner (1/23) reports that Congress "needs to move quickly" if it intends to use the Congressional Review Act to halt new methane emission and coal mining rules "before the 60-day deadline for doing so is up." The article says that Republicans already missed an opportunity "to strike down one layer of methane rules" that were issued by the Environmental Protection Agency regarding leaks from oil wells and pipelines because they "only just realized that the 60-day window had passed." However, Institute for 21st Century Energy vice president Christopher Guith explained that it is "not too late" to dismiss the Bureau of Land Management's "methane venting and flaring rule, which will likely get

CRA'd.”

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that on Monday night, head of the EPA transition team Myron Ebell confirmed that the agency has frozen its grant program, which provide funding for "among other things – cleanup of toxic sites, air quality monitoring, water quality testing."

According to a Huffington Post report, EPA staff have been told not to discuss the order. Ebell explained, "This may be a little wider than some previous administrations, but it's very similar to what others have done." The [Washington Post](#) (1/23, Dennis, Eilperin) says the move could impact "everything from state-led climate research to localized efforts to improve air and water quality to environmental justice projects aimed at helping poor communities."

**New Members Of Trump EPA Drawn Heavily From Energy Industry Lobby.** [Reuters](#) (1/23, Volcovici, Gardner) reports that the Trump administration recently named 10 new members to its EPA team, many of whom come from "the energy industry lobby and pro-drilling think tanks." The team's make-up "has reinforced expectations that Trump will follow through on his promise to slash U.S. environmental regulation as a way to promote drilling and mining." [E&E Publishing](#) (1/23) reports in more detail on some of the members of Trump's EPA "beachhead team."

## **CLIMATE CHANGE:**

### **CDC Cancels Climate Change Conference To Avoid Conflict With Incoming Administration.**

The [AP](#) (1/23, Stobbe) reports that the Center for Disease Control has canceled a conference planned for next month on climate change and health, "but isn't saying why publicly." A co-sponsor claims that the CDC "was worried how the conference would be viewed by the Trump administration." He clarified that the Trump administration "did not ask or order that the meeting be canceled," instead, the decision to cancel was a "strategic retreat," according to Dr. Georges Benjamin, executive director of the American Public Health Association.

## **ENFORCEMENT:**

### **US Judge Approves VW Emissions**

**Scandal Settlement.** [Reuters](#) (1/23) reports US District Judge Charles Breyer has given "final approval to Volkswagen AG's (VOWG\_p. DE)

settlement worth up to \$1.21 billion with 652 U.S. dealers over its diesel emissions scandal.” Under the settlement, VW dealers will each receive an average of \$1.85 million over 18 months. Additionally, VW pledged to continue “making volume-based incentive payments to dealers, and will allow them to defer capital improvements for two years.”

**Local TV Coverage: Refinery Fined In Washington State.** [KATU-TV](#) Portland, OR (1/23, 9:37 p.m. EST) reported, “The Tesoro Refinery in Washington has been hit with a fine for violating the Clean Air Act. It’s a Texas-based company with a poor environmental and safety record. This is video from a 2010 explosion at the Mount Redoubt Vernon, Washington, plants. The EPA says the facility failed two inspections in 2011 that could have led to dangerous chemical leaks. While Tesoro is disputing the findings, the company has agreed to pay a \$325,000 fine.”

## **INTERNATIONAL:**

### **Additional Reading.**

- ***Paris Rolls Out Color-code Stickers For Cars To Curb Pollution.*** [Reuters](#). (1/23, Libert)

## **OTHER NEWS:**

**Lehr Says Time Has Come To End EPA.** In a commentary for [Breitbart](#) (1/23), Jay H. Lehr, Ph.D., science director of The Heartland Institute, writes that during the “Republican National Convention last summer, the GOP approved a platform that stated: ‘We propose to shift responsibility for environmental regulation from the federal bureaucracy to the states and to transform the EPA [Environmental Protection Agency] into an independent bipartisan commission, similar to the Nuclear Regulatory Commission, with structural safeguards against politicized science.’” The platform also says “We will likewise forbid the EPA to regulate carbon dioxide, something never envisioned when Congress passed the Clean Air Act.” Lehr added, “Trump and the GOP are saying, finally, what millions of people have been thinking for a long time: EPA has become the cause of, not the solution to, the nation’s major environmental problems. It’s time to end EPA.”

## **Senate Committee Postpones Votes On Perry, Zinke.**

[The Hill](#) (1/23, Henry) reports Senate Energy and Natural Resources Committee has postponed a vote, which was scheduled for Tuesday morning, on two of President Trump’s cabinet nominees, former Texas governor Rick Perry to head the Energy Department and Rep. Ryan Zinke to be the next Interior Secretary. On Monday evening, the committee said that the hearing will be delayed “until further notice.” Perry and Zinke “have not been considered especially controversial nominees.” [Reuters](#) (1/23) reports “the panel gave no reason for the delay.” [NBC News](#) (1/24) also provides coverage of the postponement on its website.

The [Washington Examiner](#) (1/23) reports both “nominees are less controversial than Trump’s pick to lead the Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt, who is being considered by the Environment and Public Works Committee.” The three men “are the key Cabinet officials who would drive Trump’s energy and environment agenda.” A separate article by [The Hill](#) (1/23, Cama, Henry) reports that if the nominations are approved by the committee, “they’ll move to the floor for a final confirmation vote.”

### ***Watchdog Group Director Says Perry Avoided “Oops” Moment During Hearing.***

[ClimateWire](#) (1/23) reports Perry’s performance during the hearing “has earned him praise for style and criticism on substance” and that he “avoided saying anything controversial in his bid to lead” DOE. Director of Texans for Public Justice Craig McDonald said, “I thought he didn’t have any ‘oops’ moments at all.” McDonald added, “I thought he was pretty cautious. ... I think his positions are more extreme than he characterized them [Thursday]. What it’s going to be going forward, I don’t know. What we do know about him is he’s a good politician.”

In an article about the new Senate cybersecurity panel, [Bloomberg BNA](#) (1/23, Stoller) reports many Cabinet nominees “have been tackling cybersecurity questions in their confirmation hearings.” Perry “said at his hearing for Energy secretary Jan. 19 that he will take responsibility for the Energy Department’s cybersecurity concerns.”

***SAEN: Perry Did “Reasonably Well” At Confirmation Hearing.*** In an editorial the [San Antonio Express-News](#) (1/23) writes that during

his confirmation hearing the former Texas governor “performed reasonably well.” The piece goes on to say that it was important that Perry “disavowed a controversial questionnaire President Donald J. Trump’s transition team had given to the Energy Department” and he highlighted that “the questionnaire preceded his selection to the post.” He stated, “I didn’t approve it. I don’t approve of it. I don’t need that information. I don’t want that information. ... I have a history of working with people to deal with the challenges that face us.” The Express News concludes, “It’s the last point that could be Perry’s greatest strength overseeing what he now understands is a vital and significant agency.”

**Smitherman Resigns Partnership From Vinson & Elkins Law Firm.** [Fuel Fix \(TX\)](#) (1/23) reports Barry Smitherman, former chairman of the Railroad Commission of Texas and the Public Utility Commission of Texas, has “resigned his partnership at Vinson & Elkins on Friday.” Smitherman left the firm to “pursue other career opportunities and interests,” the firm said in a statement. Last month, “Smitherman wrote an opinion piece in the Dallas Morning News about why former Texas Governor Rick Perry is a great pick to be the next U.S. secretary of energy.” Smitherman “pointed to Perry’s work in creating a competitive electricity market for consumers, spurred the development of wind power and supported the domestic oil and gas industry with extra resources, especially as fracking greatly enhanced production.”

**Chapin Criticizes Trump For “Going After” Intellectual “Elites.”** In a piece highly critical of Trump for “going after” on intellectual “elites” and his Cabinet choices, Laura Chapin, a Democratic communications strategist, writes for [U.S. News & World Report](#) (1/23, Chapin) that “in his elevation of ignorance and dismissal of ‘elites,’ Trump is nominating cronies, contributors and fools to some of the most important jobs in Washington.” Among the Energy Department’s “priorities” are “ensuring the integrity and safety of the country’s nuclear weapons.” President Obama’s most recent energy secretary, Ernest Moniz, “is a nuclear physicist.” Stephen Chu, who came before Moniz, “won the Nobel Prize.” Perry, Trump’s nominee for the post, received “a D in meat science at Texas A&M and blanked on the name of the agency itself at a Republican debate.” Chapin contends “these people have no idea what they’re doing or have the slightest competence at

running a federal agency” but they are “loyal” to Trump and “that’s all that matters.”

### **Additional Reading.**

- **Obama’s EPA Chief Keeps Twitter Handle.** [Washington Examiner](#). (1/24, Emery)
- **SOURCE: Career EPA Staffers Will Undermine Trump, Leak To The Press.** [Daily Caller](#). (1/23, Bastasch)

## **PESTICIDES:**

### **Additional Reading.**

- **DDT In Spotlight As Trump Team Takes EPA Helm.** [Greenwire](#) (1/23)

## **RULES/REGULATIONS/POLICY**

:

### **Energy Institute’s Guith Quoted On Potential Rollback Of Methane Regulations.**

The [Washington Examiner](#) (1/23) reports that Congress “needs to move quickly” if it intends to use the Congressional Review Act to halt new methane emission and coal mining rules “before the 60-day deadline for doing so is up.” The article says that Republicans already missed an opportunity “to strike down one layer of methane rules” that were issued by the Environmental Protection Agency regarding leaks from oil wells and pipelines because they “only just realized that the 60-day window had passed.” However, Institute for 21st Century Energy vice president Christopher Guith explained that it is “not too late” to dismiss the Bureau of Land Management’s “methane venting and flaring rule, which will likely get CRA’d.”

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**To:** Ericksen, Doug[ericksen.doug@epa.gov]  
**From:** Benton, Donald  
**Sent:** Mon 1/30/2017 8:41:56 PM  
**Subject:** FW: Social media

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Wheeler, Andrew R. [**Ex. 6 - Personal Privacy**]  
**Sent:** Thursday, January 26, 2017 2:34 PM  
**To:** Benton, Donald <benton.donald@epa.gov>  
**Subject:** Social media

Don, my name is Andrew Wheeler, I did the environmental policy on the campaign. I think what's been missing in the discourse this week on the clamp down on social media is the fact that the GAO accused EPA of violating the law regarding social media. These abuses, as detailed by the GAO, certainly warrant a closer look at the agency guidelines to ensure that all EPA employees follow the law. News article on the issue below.

Andrew

## EPA

### Water rule's social media campaign broke law -- GAO

Kevin Bogardus, E&E News reporter

Published: Monday, December 14, 2015

*This story was updated at 4:33 p.m. EST.*

The Government Accountability Office has dealt a blow to U.S. EPA, finding its social media campaign on behalf of its controversial water rule violated federal restrictions on lobbying and propaganda.

In a 26-page **legal opinion** dated today, the watchdog said EPA went outside the law as it sought to drum up public support for the Waters of the U.S. rule.

GAO took issue with the agency's use of social media to promote the rule, particularly its use of an online tool known as Thunderclap, which spreads a message far and wide on the Web.

Using Thunderclap, EPA was able to spread messages in support of the water rule to about 1.8 million people. GAO, however, felt EPA was able to conceal its involvement in the campaign, making it "covert propaganda."

#### *Advertisement*

"We conclude that EPA's use of Thunderclap constitutes covert propaganda, in violation of the publicity or propaganda prohibition," said the opinion.

In addition, as EPA campaigned for the rule, the agency would link from its own government website to outside organizations that were making direct appeals to Congress and the public to get behind the proposed regulation. GAO found that EPA was not in line with anti-lobbying restrictions "when it obligated and expended funds in connection with establishing the hyperlinks to the webpages of environmental action groups."

Overall, the watchdog office concluded that EPA was not following prohibitions passed by Congress that were included in past appropriations laws.

"The use of appropriated funds associated with implementing EPA's Thunderclap campaign and establishing hyperlinks to the [Natural Resources Defense Council] and Surfrider Foundation webpages violated prohibitions against publicity or propaganda and grassroots lobbying contained appropriations acts for FYs 2014 and 2015," said the report, which was signed by Susan Poling, GAO's general counsel.

The watchdog office said EPA should determine how much the work involved in the violations cost and report those findings to GAO as well as the president and Congress.

EPA defended its use of social media to promote the water rule.

"We disagree with their assessment, and we will fulfill whatever reporting requirements are necessary," Monica Lee, an EPA spokeswoman, said in an email. "We maintain that using social media to educate the public about our work is an integral part of our mission. We have an obligation to inform all stakeholders about environmental issues and encourage participation in the rulemaking process."

In addition, Lee noted that "our social media activity simply directed the recipient to the general webpage about the Clean Water Rule."

"EVERY stakeholder and EVERY stakeholder group -- whether they supported or opposed the rule -- was provided the same link to the general webpage on education and outreach materials, emails, and presentations, and were told the deadline for submitting public comments and how to do so," Lee said. "At no point did the EPA encourage the public to contact Congress or any state legislature."

Other aspects of EPA's social media campaign for the water rule were found to be within the law, according to GAO. For example, viewers knew the #DitchtheMyth campaign had come from EPA because the agency's prewritten tweets using the hashtag also had the @EPAWater Twitter handle included.

The GAO legal opinion on EPA's social media campaign came at the behest of Senate Environment and Public Works Chairman James Inhofe (R-Okla.). In April, Inhofe requested that GAO look into EPA's use of social media to promote its water rule.

"GAO's finding confirms what I have long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda," Inhofe said in a statement. "EPA's illegal attempts to manufacture public support for its Waters of the United States rule and sway Congressional opinion regarding legislation to address that rule have undermined the integrity of the rulemaking process and demonstrated how baseless this unprecedented expansion of EPA regulatory authority really is."

Inhofe added that the GAO finding also will strengthen his committee's oversight regarding another controversial EPA rule, the Clean Power Plan, which will reduce power plants' carbon emissions.

"This opinion from GAO also bolsters our oversight of EPA in other areas, as we continue to investigate and raise questions about the process EPA used to develop the Clean Power Plan and its coordination with environmental activists groups," said the senator.

The water rule has become one of the agency's most contentious regulations this year.



Lawmakers are debating this month whether to add a provision to a massive government funding bill to ax the rule (***E&E Daily***, Dec. 10). In the meantime, the regulation has become mired in court, with the 6th U.S. Circuit Court of Appeals granting a nationwide stay on its implementation in October (***Greenwire***, Oct. 9).

Twitter: [\*\*@KevinBogardus\*\*](#) Email: [\*\*kbogardus@eenews.net\*\*](mailto:kbogardus@eenews.net)

**To:** ericksen.doug@epa.org[ericksen.doug@epa.org]  
**From:** Benton, Donald  
**Sent:** Sun 1/29/2017 7:31:00 PM  
**Subject:** Fwd: Social media

Sent from my iPad

Begin forwarded message:

**From:** "Wheeler, Andrew R." <[REDACTED]> **Ex. 6 - Personal Privacy**  
**Date:** January 26, 2017 at 2:33:46 PM EST  
**To:** "[Benton.Donald@epa.gov](mailto:Benton.Donald@epa.gov)" <[Benton.Donald@epa.gov](mailto:Benton.Donald@epa.gov)>  
**Subject:** Social media

Don, my name is Andrew Wheeler, I did the environmental policy on the campaign. I think what's been missing in the discourse this week on the clamp down on social media is the fact that the GAO accused EPA of violating the law regarding social media. These abuses, as detailed by the GAO, certainly warrant a closer look at the agency guidelines to ensure that all EPA employees follow the law. News article on the issue below.

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#### Advertisement

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Twitter: [@KevinBogardus](https://twitter.com/KevinBogardus) Email: [kbogardus@eenews.net](mailto:kbogardus@eenews.net)

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Ericksen, Doug  
**Sent:** Thur 1/26/2017 8:36:19 PM  
**Subject:** RE: Udall Demands Answers from Administration on Reported EPA Grant and Contract Freeze

Same response. Have you responded to this office that the funds are not paused.

ericksen

**From:** Grantham, Nancy  
**Sent:** Thursday, January 26, 2017 2:52 PM  
**To:** Ericksen, Doug <ericksen.doug@epa.gov>  
**Subject:** FW: Udall Demands Answers from Administration on Reported EPA Grant and Contract Freeze

fyi

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Personal Phone/Ex. 6** **(mobile)**

Subject: Udall Demands Answers from Administration on Reported EPA Grant and Contract Freeze



**For Immediate Release**

**January 26, 2017**

**Contact:** Jennifer Talhelm

202.228.6870 | [news@tomudall.senate.gov](mailto:news@tomudall.senate.gov) | [@SenatorTomUdall](https://twitter.com/SenatorTomUdall)

## **Udall Demands Answers from Administration on Reported EPA Grant and Contract Freeze**

**WASHINGTON** — Today, **U.S. Senator Tom Udall** sent a letter to President Donald Trump demanding answers on press reports that the administration has ordered a “freeze” to grants and contracts at the Environmental Protection Agency (EPA).

In the letter, Udall, the Ranking Member on the Senate Appropriations Subcommittee on the Department of the Interior, Environment, and Related Agencies, expressed his deep concern and alarm about the reported executive directive, an abrupt and unexplained action that could affect funding for dozens of programs under the subcommittee’s jurisdiction. As Udall noted, Congress – and more specifically, the subcommittee that funds the EPA – was not notified of the freeze by administration officials or the EPA, despite the Appropriations Committee’s clear constitutional oversight authority over agency use of funds. Furthermore, Udall wrote that attempts to secure further details on the freeze have been met with a grossly insufficient and unspecific response from the administration. Udall requested the complete text and details of any and all orders related to the reported freeze, and a detailed report describing the outcomes of each and every change implemented as a result of such a freeze, no later than February 3, 2017.

"On January 23, 2017, the press began citing reports of a 'freeze' to grants and contracts at the Environmental Protection Agency (EPA)," Udall wrote. "As Ranking Member on the Senate

Appropriations Subcommittee on the Department of the Interior, Environment, and Related Agencies, I am deeply concerned about this abrupt and unexplained action potentially affecting funding for dozens of programs under this subcommittee's jurisdiction. Agency grantees from New Mexico have been contacting my office alarmed by these reports and the lack of any clear information from the agency."

"I was even more alarmed that attempts to secure details on this action yielded nothing more than an unattributed – and extremely unspecific – paragraph copied into an email chain. Appropriations Committee oversight over agency use of funds is an extremely serious matter, derived from clear constitutional authority. To this date, I remain unaware of the authorities or identity of the individual or individuals issuing such direction or the process being used to implement such direction. Further, despite repeatedly asking questions of agency staff, I still have not received any detail on what EPA programs are, or are not, affected by such a freeze – nor how long such a freeze will last," Udall continued.

**The full text of the letter can be found below and [here](#).**

*Dear Mr. President:*

*On January 23, 2017, the press began citing reports of a "freeze" to grants and contracts at the Environmental Protection Agency (EPA). As Ranking Member on the Senate Appropriations Subcommittee on the Department of the Interior, Environment, and Related Agencies, I am deeply concerned about this abrupt and unexplained action potentially affecting funding for dozens of programs under this subcommittee's jurisdiction. Agency grantees from New Mexico have been contacting my office alarmed by these reports and the lack of any clear information from the agency.*

*A Presidential transition is a busy time, and it is reasonable for incoming officials to evaluate programs under their purview for a brief period. However, I am alarmed that Congress and specifically our subcommittee that funds EPA were not notified of such a freeze by administration officials or EPA – I only learned of this development from press reports.*

*I was even more alarmed that attempts to secure details on this action yielded nothing more than an unattributed – and extremely unspecific – paragraph copied into an email chain. Appropriations Committee oversight over agency use of funds is an extremely serious matter, derived from clear constitutional authority. To this date, I remain unaware of the authorities or identity of the individual or individuals issuing such direction or the process being used to implement such direction. Further, despite repeatedly asking questions of agency staff, I still have not received any detail on what EPA programs are, or are not, affected by such a freeze – nor how long such a freeze will last.*

*Congress appropriated funds for EPA to carry out programs protecting human health and the environment, and such funding is not subject to deferral, reduction, or reallocation, as confirmed by the*

*Supreme Court over 40 years ago (Train vs. City of New York, 42 U.S. 35) and long-standing budget laws (Congressional Budget and Impoundment Control Act of 1974, 2 U.S.C. 681-688). Without notification or detail, I am unable evaluate the administration's actions to determine if the law is being followed properly.*

*I respectfully request that the administration provide the subcommittee with the following information:*

- Complete text of any and all orders related to the "freeze" described in the press by transition officials; the duration of such a freeze; which programs are, or are not, included in such a freeze; and the name and position of the official issuing such direction.*
- A detailed report describing the outcomes of each and every change implemented as a result of such a freeze. This information should include, but is not limited to, changes in grantee allocations or formulas, changes to timing or amounts of funding distributions, and contracts cancelled or changed.*

*The American people deserve an open and transparent budget process. This includes prompt notification to the subcommittee on any and all actions involving funding under our jurisdiction and comprehensive details on the scope and impact of such actions.*

*I appreciate your prompt response to this request by no later than February 3, 2017.*

*Sincerely,*

*###*



**To:** Jim Brunner[jbrunner@seattletimes.com]  
**From:** Ericksen, Doug  
**Sent:** Wed 1/25/2017 10:34:42 PM  
**Subject:** RE: person wanting to contact you

Thanks for passing on.

EPA Ethics is working on a more formal piece.

Ericksen

**From:** Jim Brunner [mailto:jbrunner@seattletimes.com]  
**Sent:** Wednesday, January 25, 2017 5:10 PM  
**To:** ericksendj@aol.com; ericksen.doug@epamail.epa.gov  
**Subject:** person wanting to contact you

Doug,

Hello. Two things.

1/ Still looking for that lawyer letter or info when you get it.

2/ Also, I don't always pass on this sort of thing, but this guy seemed reasonable. He called wanting to make contact with you or Don Benton. His organization is affiliated with Bill Ruckelshaus. I said I could not pass along your contact info, but would consider passing his info along as a courtesy. So here is:

[richinnes@merid.org](mailto:richinnes@merid.org)

Rich Innes

Senior Fellow, Meridian Institute

1800 M Street NW, Suite 400 N

Washington, DC 20036 United States

+1.202.354-6457 office

**Personal Phone/Ex. 6** mobile

[www.merid.org](http://www.merid.org)

**Jim Brunner | Seattle Times Political Reporter**

phone **Personal Phone/Ex. 6**

[http://twitter.com/Jim\\_Brunner](http://twitter.com/Jim_Brunner)

**To:** Davenport, Coral[coral.davenport@nytimes.com]  
**From:** Ericksen, Doug  
**Sent:** Wed 1/25/2017 9:39:23 PM  
**Subject:** Re: can u confirm grant freeze will end this week?

I could say yes that as of now that is true  
But we are reviewing page for changes.

Sent from my iPhone

On Jan 25, 2017, at 4:25 PM, Davenport, Coral <[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)> wrote:

Awesome, thanks

And can you confirm that as things stand now there are NOT changes planned to the climate change/greenhouse gas data portions of the website?

On Wed, Jan 25, 2017 at 4:24 PM, Ericksen, Doug <[ericksen.doug@epa.gov](mailto:ericksen.doug@epa.gov)> wrote:

Yes. Release pending

Sent from my iPhone

On Jan 25, 2017, at 4:08 PM, Davenport, Coral <[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)> wrote:

or next?

tk

cd

--

Coral Davenport  
Energy and Environment Correspondent  
The New York Times  
Washington Bureau  
1627 I St. NW, Suite 700  
Washington, DC 20006  
[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)  
O 202-862-0359  
C Personal Phone/Ex. 6  
Twitter @CoralMDavenport

--

Coral Davenport  
Energy and Environment Correspondent  
The New York Times  
Washington Bureau  
1627 I St. NW, Suite 700  
Washington, DC 20006  
[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)  
O 202-862-0359  
C Personal Phone/Ex. 6  
Twitter @CoralMDavenport

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Ericksen, Doug  
**Sent:** Wed 1/25/2017 4:25:07 PM  
**Subject:** Re: Presentation to the WSU Climate Impacts to Water Conference - Jan 25th

Ok. Good to go  
Erickson

Sent from my iPhone

On Jan 25, 2017, at 10:56 AM, Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)> wrote:

<image001.gif>  
Hi Doug,

We learned of this presentation last night – evidently it has been scheduled for a while.

Please see highlighted info on the presentation below and let us know your thoughts.

Thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Personal Phone/Ex. 6**

Holsman, Marianne has shared a OneDrive for Business file with you. To view it, click the link below.

<image00001.png>

This is tomorrow.

Marianne

Follow us!

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#) [<image005.png>](#) [<image006.png>](#) [<image007.png>](#)

**From:** Soscia, Marylou

**Sent:** Monday, January 23, 2017 6:30 PM

**To:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>

**Cc:** Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)>; Edmondson, Lucy  
<[Edmondson.Lucy@epa.gov](mailto:Edmondson.Lucy@epa.gov)>

**Subject:** Presentation to the WSU Climate Impacts to Water Conference - Jan 25th

Marianne:

I will be speaking on Wed am at the WSU Climate Impact to Water Conference in Skamania, WA. I will be focusing my talk on Columbia River water quality issues including total dissolved gas, water temperature and toxics reduction work that I have been doing for many years. I am not going to be talking about climate change. I have included the invitational email below and I am attaching my ppt and the proposed agenda. Please let me know if you need more information.

Mary Lou

Sept 29, 2016

Greetings Mary Lou,

My name is Liz Whitefield and I am the outreach coordinator for the Livestock Nutrient Program at Washington State University. Myself, along with other PNW university climate related programs are organizing a conference focused on Climate Impacts to Water to be held January 25-26, 2017 at Skamania Lodge in Stevenson, WA. This regional (ID, WA, OR) conference is directed towards ag professionals, consultants, producers, agency and applied academia that are involved with agriculture and/or water quality. I would like to invite you to speak on a water user/stakeholders panel on January 25. It would be more than worthwhile for this group to hear your perspectives working on the Columbia River protection, quality, and restoration as well as with the CR toxins reduction group.

I've attached a flier and a brief document with the objectives of the conference, as well as the team and the regional projects involved with the coordination of the meeting. The website of the conference is: [cm.wsu.edu/climateimpactstowaterconference](http://cm.wsu.edu/climateimpactstowaterconference) Please let me know if you would kindly accept the offer to present on Jan 25, 2017 when you have a free chance. Also, please feel free to contact me if you have questions.

In addition, would you have any recommendations for a good speaker within the tribal community that could speak on this panel as well? Also, we plan on having a panel session featuring producer/ grower stories of water conservation and water quality stewardship. I was wondering if you could recommend anyone to speak on this panel, or if possibly the Columbia River toxin reduction group might fit well into this category? Please let me know when you have a free minute. Thank you for your time Mary Lou, I hope to hear from you soon.

Kind Regards,

Liz Whitefield

Outreach coordinator, PAS

Washington State University

Livestock Nutrient Management Program



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Puyallup, WA 98371

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[www.animalagclimatechange.org](http://www.animalagclimatechange.org)

Twitter: <https://twitter.com/climateanimals>

Facebook: <http://www.facebook.com/AnimalAgandClimateChange>

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**Mary Lou Soscia | Columbia River Coordinator | US EPA**

805 S.W. Broadway, Suite 500 | Portland, OR 97205

**Personal Phone/Ex. 6**

[www.epa.gov/columbiariver](http://www.epa.gov/columbiariver) | <https://twitter.com/EPAcolumbia>

<Final Agenda.pdf>

**To:** Davenport, Coral[coral.davenport@nytimes.com]  
**From:** Ericksen, Doug  
**Sent:** Wed 1/25/2017 3:33:35 PM  
**Subject:** Re: Have a moment to chat this morning?

In a meeting  
Will call soon

Sent from my iPhone

On Jan 25, 2017, at 10:32 AM, Davenport, Coral <[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)> wrote:

Now following up reports that y'all have been asked to take down climate website and data.  
can you give a call?

Cheers,  
cd

--

Coral Davenport  
Energy and Environment Correspondent  
The New York Times  
Washington Bureau  
1627 I St. NW, Suite 700  
Washington, DC 20006  
[coral.davenport@nytimes.com](mailto:coral.davenport@nytimes.com)

O  
C

Personal Phone/Ex. 6

Twitter @CoralMDavenport

**To:** tcama@thehill.com[tcama@thehill.com]  
**From:** Ericksen, Doug  
**Sent:** Tue 1/24/2017 2:08:59 PM  
**Subject:** FW: Message from the Acting Administrator

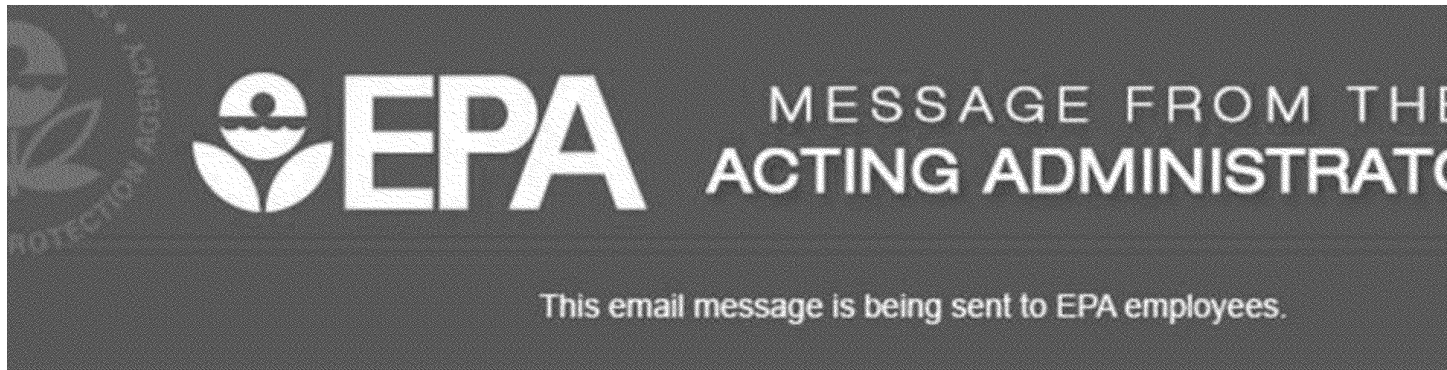
**Good morning Timothy,**

Please feel free to contact me on my cell phone.

Personal Phone/Ex. 6 or my office 202-564-3131

Doug Ericksen

EPA Transition Com Lead



Today we welcome to EPA members of President Trump's beachhead team. Acting Deputy Administrator Mike Flynn and I will work closely with them as they transition into the Agency.

A message from Senior White House Advisor Don Benton and White House Liaison Charles Munoz:

"As the leaders for the new Administration on EPA transition, we would like to say thank you for the warm reception that we have received. We are looking forward to working with the career professionals at the EPA to make this transition work as well as possible, and to carry out the Agency's mission to protect public health and the environment. We know and understand the incredible knowledge level and commitment of the people who work here. We will be asking you for help. We are committed to working

with you. While transitions are always hard, straight forward honest communication combined with respect for each other will make the process work much better.”

Listed below are the names and short bios of those currently serving on the transition team.

Layne Bangerter

- Layne is an Idaho native who most recently worked with Sen. Crapo. He brings a wealth of experience in the natural resources world related to farming and ranching.

Don Benton, Senior White House Advisor

- Don is from Washington State and served in the State Senate there for 20 years. Don has a long and accomplished history in the private sector in addition to his service as the head of a large county environmental office in Washington.

Patrick Davis

- Patrick is a nationally recognized political consultant and strategist. Since 1992, he has advised candidates for President, Governor, U.S. Senate, Congress, and state/local offices. Patrick is an organizational, strategic, and communications consultant to corporations, issue committees, and non-profits.

Doug Ericksen, Communications Director

- Doug is a Washington State native and a current member of the Washington State Senate. Senator Ericksen has extensive background in energy and environmental policy. He holds a B.A. in Government from Cornell University and a M.A. in Environmental Policy.

Holly Greaves, Budget Issues

- Holly has a long background in government accounting and Federal financial management. Ms. Greaves previously worked as a senior manager with KPMG and with the public accounting firm EY. She is a licensed CPA, CISA, and CGFM.

David Kreutzer

- David finished nine years with the Heritage Foundation as Senior Research Fellow in Energy, Economics, and Climate Change. David taught economics at Ohio University for three years and at James Madison University for 22 years. His academic research has been published in numerous professional publications.

Charles Munoz, White House Liaison

- Charles comes to the EPA from Nevada, where he served in key capacities for Americans for Prosperity. For the last two years, Charles served The Donald J. Trump campaign in several high level positions.

David Schnare, Esq., Ph.D

- Dr. Schnare is an attorney and environmental scientist returning to EPA after a 41 year career in the field of environmental science, with 33 of those years at EPA. Most recently, Dr. Schnare has been associated with the Free-Market Environmental Law Clinic, The Energy and Environment Legal Institute and the Center for Environmental Stewardship at the Thomas Jefferson Institute for Public Policy.

Justin Schwab, Legal Advisor

- Justin is an environmental and regulatory lawyer currently practicing in the Washington, D.C., area. Justin will be serving as legal advisor on several fronts including environmental health and safety, in addition to other key areas of implementing EPA's core mission.

George Sugiyama

- George brings over 30 years of EPA experience with him to the transition team. George will be serving as a senior advisor to the team.

Please join me in welcoming our new colleagues to EPA.

Catherine McCabe

Acting Administrator



**To:** Kreutzer, David[kreutzer.david@epa.gov]  
**Cc:** Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]; Aaron.Annable@international.gc.ca[Aaron.Annable@international.gc.ca]; Rachel.McCormick@international.gc.ca[Rachel.McCormick@international.gc.ca]  
**From:** Liam.Stone@international.gc.ca  
**Sent:** Thur 2/2/2017 3:07:21 PM  
**Subject:** RE: Canadian contact

Thanks very much.

I'm not sure they are going to request a formal meeting, but they may reach out via email to establish a line of contact.

I'm sure you're working extremely long days, I hope things are coming together for you and the new team.

Aaron and/or Rachel (cced here) are with our Embassy Environment section and may be asked to facilitate in future. I'm copying them for awareness.

Regards,

Liam

**From:** Kreutzer, David [mailto:kreutzer.david@epa.gov]  
**Sent:** February-02-17 9:16 AM  
**To:** Stone, Liam -WSHDC -PI  
**Cc:** Ericksen, Doug; Konkus, John  
**Subject:** RE: Canadian contact

Liam,

Probably me at this point. However, for at least the next couple of weeks we are holding off on meetings and are running all communication through our comms people. For now there are two, John Konkus and Doug Ericksen (both copied).

David

202.564.3113

**From:** [Liam.Stone@international.gc.ca](mailto:Liam.Stone@international.gc.ca) [mailto:[Liam.Stone@international.gc.ca](mailto:Liam.Stone@international.gc.ca)]  
**Sent:** Wednesday, February 1, 2017 5:57 PM  
**To:** Kreutzer, David <[kreutzer.david@epa.gov](mailto:kreutzer.david@epa.gov)>  
**Subject:** Canadian contact

Hi David,

I think Salim mentioned that the office of the Canadian Minister of Environment and Climate Change is eager to reach out to someone on your team in the near future.

Would you mind if I passed along your contact or is there someone else more appropriate to speak to on North America/International issues? The Canadian folks in question are political staff so they will be looking for an equivalent, political contact.

Thanks,

Liam

Liam Stone



Executive Director, Policy

Government of Alberta Washington Office

Embassy of Canada

**Personal Phone/Ex. 6**

@ABintheUSA



## EPA Daily News Briefing

Bulletin  
INTELLIGENCE

Online version available at [epa.bulletinintelligence.com](http://epa.bulletinintelligence.com)

TO: ADMINISTRATOR AND SENIOR EXECUTIVES  
DATE: THURSDAY, FEBRUARY 2, 2017 7:00 AM EST

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### ADMINISTRATOR:

**Democrats Stall Committee Confirmation Vote On Pruitt.** The Washington Post (2/1, Dennis, Mooney,

Weigel) reports Democrats boycotted a planned vote on EPA nominee Scott Pruitt. Democrats' staff distributed "an amendment from ranking member Tom Carper that would add new standards requiring nominees to submit more financial information." Sen. John Barrasso said he would not force a vote on Pruitt without Democrats in attendance,

pledging to “move the nomination of Scott Pruitt as expeditiously as possible.” Bloomberg Politics (2/1, Natter) reports Democrats told reporters that they were demanding transparency. Under committee rules, “at least two members of the minority must be present to constitute a quorum and allow the panel to take action on legislation and nominations,” but the committee “could attempt to change those rules or temporarily suspend them in a bid to move Pruitt’s nomination to the Senate floor” as done Wednesday by the Senate Finance Committee.

E&E Daily (2/1, Bravender) reports that Sen. Carper “said the responsibility falls on Pruitt” because he failed to fully answer Democrats’ questions. Sen. Carper was also “particularly irked that Pruitt told Democrats they would have to request emails from his tenure as Oklahoma’s top law enforcement official under an open records process that has a nearly two-year backlog.”

E&E Publishing (2/1) notes that Republicans have boycotted committee votes in the past on EPA administrator nominees, including for Obama’s pick in 2013, Gina McCarthy. Reuters (2/1, Gardner) also reports. CBS News (2/1) reports that Republican members were critical of their Democratic counterparts for failing to attend, and accused them of obstructionism. Alaska Dispatch News (2/1) reports that Alaska Sen. Dan Sullivan described the Democratic boycott as a “senatorial temper tantrum.”

**More Than \$3M Spent Lobbying For, Against Pruitt For EPA Chief.** The Hill (2/2, Cama) reports that more than \$3 million has been spent by opponents and supporters of Oklahoma Attorney General Scott Pruitt in an effort to sway his confirmation process. The “National Association of Manufacturers is the biggest spender in favor of Pruitt with a seven-figure ad campaign,” while Tom Steyer says his group NextGen Climate Action has spent similar amounts.

### **Additional Reading.**

- ***Scott Pruitt Will Make America Great Again – For Polluters.*** Huffington Post (2/1)

## **BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:**

**Gold King Mine Spill Update.** KRDO-TV Colorado Springs, CO (2/1, 6:18 p.m. EST) reported, “New Mexico is update its long term plan to monitor the effect of the 2015 mine waste spill that fouled rivers in three western states. The state’s environment department says the plan was developed by a team that includes science and engineering experts. The state department representative says there are concerns about a decision by the EPA to not pay damage claims. EPA workers triggered the spill at the Gold King Mine, Southern

Colorado, releasing 3 million gallons of waste water tainted with heavy metals.”

## **CLIMATE CHANGE:**

**Sources: Dismantling Clean Power Plan Likely To Come After Pruitt Confirmation.** ClimateWire (2/1) reports White House press secretary Sean Spicer “sidestepped” a question “about whether the administration might target U.S. EPA’s endangerment finding,” which is used to justify the Clean Power Plan. Former Trump transition advisor Myron Ebell has said transition officials discussed potentially delaying an announcement on the Clean Power Plan until Scott Pruitt is confirmed as EPA administrator. Ebell said last week. “I think they’re trying to decide whether to do it before he’s confirmed, or wait until after he’s confirmed. And of course if the Democrats delay his confirmation, my guess is they won’t wait around.” Sources close to the transition “say that the complicated process of undoing the Clean Power Plan could be better managed under the stewardship of Pruitt and his team at the agency.” David Doniger at the Natural Resources Defense Council said, “As long as the endangerment finding is intact, then the agency is under legal obligation to curb the emissions from these sources.”

**CA: Term-Limited Brown Has \$15M In His Campaign Account.** The Los Angeles Times (2/1, Myers) reports that Gov. Jerry Brown (D), who is term-limited in 2018, has “a \$15-million political war chest, one of the largest of any elected official in the state.” The Times says Brown “could easily use his campaign cash on any number of efforts,” including “potentially asking California voters to extend or expand the state’s landmark climate change laws,” though the Democrat currently “is staying out of any speculation about what might happen. ‘I think it’s safe to say he’s keeping his options open,’ said Dana Williamson, the governor’s political strategist.” The Times added that Brown “has more cash on hand than any of the three leading Democrats vying to replace him in 2018.”

**California Bill Would Add “Social Costs” To Public Contract Bids.** The San Jose (CA) Mercury News (2/1, Murphy) reports a new California bill aims to add social costs of greenhouse gas emissions to bids by contractors vying for state-funded infrastructure projects. The measure “would be the first of its kind in the nation and would give companies an incentive to offer the best deal for the environment, not just the lowest price.”

**EU Looks To China As US Retreats On Climate Change.** Reuters (2/1, De Carbonnel) reports EU officials are looking to China as the US retreats from international

efforts to tackle climate change, “fearing a leadership vacuum will embolden those within the bloc seeking to slow the fight against global warming.” Some EU diplomats “worry Europe is too weak to lead on its own in tackling climate change” as Brexit, Russian energy dependence, and protecting industry threatening the bloc’s common policy. “We need to embrace the fact that China has invested very heavily in clean energy,” Gregory Barker, climate change minister to former British Prime Minister David Cameron, told Reuters. “If America won’t lead then it’s clear that China will.”

## **ENERGY:**

**US House Votes To Repeal SEC “Extraction Rule”.** Reuters (2/1) reports that the Republican-led House of Representatives voted to remove “two major U.S. rules aimed at curbing corruption and pollution in the energy sector.” The Senate is expected to take up the issue as soon as Thursday. The Securities and Exchange Commission’s “extraction rule” was approved in 2010 to require energy companies, such as Exxon Mobil and Chevron Corp., to publicly state the taxes and other fees they pay to governments. On the House floor, chairman of the Financial Services Committee Jeb Hensarling said the rule was part of “a radical leftist elitist agenda against carbon-based jobs.”

**Renewable Energy Industry Urges Trump To Consider Green Jobs In Rural Areas.** Bloomberg News (1/31, Martin) reports the renewable energy industry wants the Trump Administration to know that when it comes to “bringing energy jobs to rural communities: get out of the coal mines and look to the sky.” The US wind power industry had over “100,000 workers at the end of the year and the solar industry had more than double that,” and they are “a significant source of employment in many of the rural red states that supported Donald Trump’s campaign.” At the beginning of last year there were 65,971 coal mining jobs, the Energy Department reports. Renewable energy industry leaders “say the rural areas that missed out on economic growth under President Barack Obama are benefiting from the expansion of clean energy.” The article mentions that while Trump Administration will be “more fossil-fuel friendly,” former Texas Governor Rick Perry, Trump’s choice to be the next energy secretary, “helped his state become the largest producer of wind power.”

**Pastor Enthusiastic About Perry, Other Evangelicals In Cabinet.** In an article about evangelical support for Trump and today’s National Prayer Breakfast, the Washington Post (2/1, Bailey) reports Ronnie Floyd, a former Southern Baptist Convention president, indicated that he “is especially excited by ‘followers of Christ’ nominated for Trump’s Cabinet.” Rick Perry was listed among those he was excited about. Floyd said of evangelicals, “The administration

has been way over the top in giving them visibility and recognition that we can bring values.”

**Palomarez Supports Perry For DOE Secretary.** Javier Palomarez, president and CEO of the US Hispanic Chamber of Commerce, writes in an op-ed for The Hill (2/1, Palomarez) that the mission of the Energy Department “is to ensure America’s security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions.” With Gov. Perry’s “knowledge and experience in this arena, we believe he is a qualified candidate to serve as secretary of Energy.” Palomarez concludes, “We hope for a smooth confirmation and look forward to working with him to keep powering America’s business future.”

## **ENFORCEMENT:**

**Volkswagen Agrees To Emissions Cheating Scandal Settlement.** The New York Times (2/1, Ewing) reports Volkswagen has agreed to a settlement of “more than \$20 billion to settle civil and criminal suits in the United States over its diesel emissions scandal” that affects around 600,000 cars. Through the settlement, “owners of two-liter vehicles and 2009-12 three-liter models can either sell them back to Volkswagen for a price reflecting their value before September 2015, when the diesel cheating became known, or have their cars repaired free.” Bloomberg News (2/1, Mehrotra) reports specifically, the filings from the San Francisco federal court indicate the compensation would be “as much as \$16,114.” The deal “brings the total damages in North America to more than \$23 billion.” Repurchasing the 3-liter vehicles adds to “the 482,000 2-liter autos that are being bought back or repaired under a previous agreement.” Should VW not make the repairs on time according to the deal, the company’s “burden from the issue will increase to as much as \$4.04 billion.” US District Judge Charles Breyer is set to review the “proposed 3-liter settlement on Feb. 14.” If he gives “preliminary approval, car owners and others would be given a chance to comment on the agreement before it becomes final.”

The Wall Street Journal (2/1, Wilkes) reports that in a separate US settlement on Tuesday, German parts supplier Robert Bosch GmbH agreed to a settlement of \$327.5 million for allegation it helped created the defeat device software that was installed in VW cars. If the settlement is approved, the investigation into Bosch would be closed. The New York Times (2/1, Ewing) reports Bosch has continuously denied any knowledge or involvement in the emissions cheating scandal and did not admit to any wrongdoing as part of the settlement with VW owners and the Federal Trade Commission. The company still faces a criminal investigation by German attorneys “as well as multiple civil suits by Volkswagen owners in Europe.” On Wednesday, Bosch said

it would “continue to defend its interests in all other civil and criminal law proceedings and to cooperate comprehensively with the investigating authorities in Germany and in other countries.”

Reuters (2/1) highlights lawsuits and investigations VW still faces that have yet to be resolved, including: lawsuits from other US locations; German damages claims; a lawsuit in Australia, several other lawsuits from European countries; and the indictments of several VW executives in South Korea.

The Financial Times (2/1, McGee) provides additional coverage.

## **OTHER NEWS:**

**EPA Workers Grow More Concerned About Political Interference.** Greg Sargent writes for the Washington Post (2/1, Sargent) in its “Plum Line” blog on anxiety among federal workers in the EPA. John O’Grady, president of the union that represents some EPA employees nationwide, told The Washington Post “that Trump’s firing of the acting attorney general who said she would not defend his immigration order in court was producing a ‘chilling effect through the agency.’” O’Grady said political interference was a worry and that insiders are concerned that internal dissent with such interference, or efforts to draw attention to it, could meet with punishment in the form of “losing a job” or “not being promoted” or “not getting a prime assignment.”

**House Science Committee To Hold Hearing On “Making The EPA Great Again”.** ClimateWire (2/1, Bravender) reports that next week a House committee will hold a hearing on “Making the Environmental Protection Agency Great Again.” House members are likely to discuss the “Secret Science Reform Act,” which would require the EPA to use only “transparent and reproducible” science to develop regulations. Democrats and opponents to the bill “say the measure would have a crippling effect, since large-scale studies are not easy to reproduce and some industry or private data can’t be made public.”

**Gorsuch Seen As Smart But Light On Energy Issues.** E&E News PM (2/1, Gilmer) reports that President Trump chose Judge Neil Gorsuch from the 10th US Circuit Court of Appeals as his Supreme Court nominee. “Gorsuch’s record on energy and environmental issues is light, but experts have described the Colorado native as well-qualified and traditionally conservative.” BakerHostetler attorney Mark Barron praised Gorsuch as having Scalia’s brand of “intellectual firepower” and for being “smart as hell.” In remarks following Trump’s announcement, “Gorsuch highlighted his commitment to impartiality, independence and collegiality on the bench,” E&E reports. E&E profiles Gorsuch, reporting that he is “most notable for his extreme distaste for

Chevron deference, a legal doctrine under which judges typically defer to an agency’s judgment when it is interpreting ambiguous law.” Such deference arises “frequently in litigation surrounding technical rules” from the EPA, the Interior Department and other agencies covering energy and the environment. On specific energy and environmental issues, “Gorsuch’s record is less developed,” but include rulings the story goes on to detail.

**Gorsuch May Overturn Chevron Deference, Dems Planning Pruitt Vote Boycott.** Bloomberg Government (2/1) reports in its blog that if President Trump’s pick for the Supreme Court Neil Gorsuch is confirmed, it would putting a leading critic of “Chevron deference” on the court. Gorsuch wrote in a concurring decision last year, “But the fact is Chevron and Brand X permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers’ design. Maybe the time has come to face the behemoth.” Senate Democrats are also planning to boycott a Senate Environment and Public Works Committee vote on EPA nominee Scott Pruitt. Sen. Tom Carper complained that Pruitt failed to provide documents from his time as Oklahoma AG, and he was not forthcoming in his answers to questions. Carper said, “I also asked him to name any EPA regulation on the books today that he supports. Mr. Pruitt could not name one.”

**Murkowski Urging GOP Leaders To Bring Perry Nomination To Senate Floor For Vote.** The “Morning Energy” blog of Politico (2/1) reported Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski signaled that she’s urging “Republican leadership to move the nominations of Rick Perry for DOE and Interior selection Ryan Zinke up the line for floor consideration, after both won bipartisan backing from her committee Tuesday. But she admits Democrats may hold up fast confirmations for both.” Murkowski told ME, “My hope is that the strong bipartisan support that we had for both gentlemen will allow them to find an easier path forward. ... It does worry me because the president deserves to have a Cabinet.”

In articles about other Trump Cabinet nominees, the Los Angeles Times (2/1, Mascaro), the Wall Street Journal (2/1, Harder), the Washington Post (2/1, Snell, Weigel, O’Keefe) and NPR (2/1, Seipel) mention that Perry and Zinke were approved by the Senate Energy and Natural Resources Committee on Tuesday.

**Saudi Oil Minister Lauds Trump Energy Policies.** The Wall Street Journal (2/1, Faucon, Amon) reports Saudi Arabian oil minister Khalid al-Falih yesterday offered praise for the energy policies of President Donald Trump and signaled that he is in favor of increased oil production in the US “as long as they grow in line with global energy demand.” On Wednesday, al-Falih told the BBC, “President Trump has

policies which are good for the oil industry, and I think we have to acknowledge it." He also applauded the choices Trump has made for his Cabinet, including Perry who Falih called "pro-oil and gas."

**Civil Servants At Odds With Superiors Over Trump's Executive Actions.** The Hill (2/1, Kamisar) reports civil servants have begun publicly clashing with their superiors over some of President Trump's executive actions. Chris Lu, the former deputy secretary of Labor in the Obama Administration, says, "I don't recall any kind of dissent like this happening either in a Democratic or Republican administration — this is clearly unusual." Administration officials fired back that if civil servants disagree with the policy decisions, they are free to find other jobs. The Washington Post (2/1, Joe Davidson |, Columnist) reports despite the outcry of some employees, there is "no verifiable revolt by the workforce" against President Trump. Megan Durham, retired Fish and Wildlife Service deputy assistant director for external affairs, says "Sometimes you have to suck it up, choose your battles, and do the best you can within the system to educate your political bosses and continue to perform your agency's mission."

The Washington Post (2/1) reports federal workers are in "regular" contact with Obama Administration appointees about possible avenues of backlash against President Trump's initiatives. Some have created social media accounts aimed at leaking word of possible changes Trump appointees plan to make. Other officials have stated they will "slow their work" if they are asked to do tasks they agree with.

The Washington Post (2/1, Selk) reports the EPA's twitter account has remained silent since President Trump took office. Canadian officials are warning US civil servants they may face a "regime of censored science" similar to what happened in Canada after former Prime Minister Stephen Harper took office. In 2014, 800 Canadian scientists sent Stephen Harper an open letter warning that "Canada's leadership in basic research, environmental, health and other public science is in jeopardy."

### **Additional Reading.**

- *Neil Gorsuch's Late Mother Almost Annihilated The EPA. Is History Repeating Itself?* Newsweek. (2/1, Brenner)

## **RULES/REGULATIONS/POLICY:**

**NRDC Files Complaint Against EPA For Rescinding Mercury Protection Rule.** Reuters (2/1, Stempel) reports "mere hours after Trump took office," the EPA withdrew its final rule seeking reductions in the discharge of mercury from dental offices. Natural Resources

Defense Council has filed a complaint against the EPA claiming the agency "illegally" rescinded the rule.

**Manufacturers Hope Trump Policies Speed Up Environmental Permitting.** Bloomberg Government (2/1) reports that manufacturers hope President Donald Trump's call to expedite permitting for new projects "will galvanize the EPA and state environmental regulators to speed up their permit review processes and pursue broader revisions to underlying regulations." The article adds that the manufacturing sector "has highlighted regulatory requirements, including delays in the processing of necessary permits, as a barrier to investment in domestic manufacturing projects." According to NAM Senior Director for Energy and Resources Greg Bertelsen, the Trump memo is "right in line" with what the NAM's message on environmental regulations has been for the past several years.

## **TOXICS/TSCA:**

**EPA Begins Testing For Toxic Vapor Intrusion In Ballston Spa.** The Schenectady (NY) Daily Gazette (2/1, Campbell) reports that the EPA will begin testing for "vapor intrusion" of carcinogenic air contaminants in the basements of Ballston Spa homes that may have migrated from an old dry-cleaning business. Don Graham, project coordinator for the EPA, said that the agency will assist property owners in installing air-blocking systems if the contaminants are found in homes.

**Local TV Coverage: Ballston Spa Contamination Miscommunication.** WXXA-TV Albany, NY (2/1, 10:04 p.m. EST) reported, "A new concern about the chemical contamination that's coming from an abandoned dry cleaning shop in Ballston Spa. The EPA says Saratoga County called them to investigate the Ricketts property this past summer, but the Mayor of Ballston Spa wasn't alerted until the end of December. The EPA says their investigation began back in August when Saratoga County called them with concerns after a rep visited the site and saw asbestos and some mercury switches. The attorney for the county says it was up to the EPA to tell the mayor. The EPA says communication is important and that they will continue to keep in contact with those involved." WTEN-TV Albany, NY (2/1, 6:00 p.m. EST) reported similar coverage.

## **WATER:**

**Estimated Cost Of Keeping Flint On Detroit Water System: More Than \$45M.** MLive (MI) (2/1, Fonger) reports the Genesee County, Michigan Drain Commissioner's Office told the state's Department of Environmental Quality that keeping Flint and its neighboring

suburbs connected to the Great Lakes Water Authority while it works towards being capable of treating its own water could cost more than \$45 million over a two-year period. While keeping Flint connected to the GLWA is expensive compared to other options under consideration by city and state officials at the moment, “experts have increasingly advised the state that the fewer changes in source water, the better for Flint.”

### **Researchers Find Discontinuation Of Corrosion Control Measures Caused Flint Water Crisis.**

MLive (MI) (2/1, Fonger) reports Virginia Tech researchers published a peer-reviewed report which found that the Flint water crisis was caused by the decision to discontinue adding orthophosphate inhibitors once the state switched the city to a Flint River-dependent water supply. A news release highlighting the report said, “In the tap water, the high lead concentrations strongly correlated with the levels of cadmium, zinc and tin, which were also components of the pipe’s original internal coating. ... According to the researchers, these results suggest that without corrosion inhibitors, the Flint River water caused the rust layers (with attached lead) to release from the interior of the iron pipe.”

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**To:** Liam.Stone@international.gc.ca[Liam.Stone@international.gc.ca]  
**Cc:** Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Kreutzer, David  
**Sent:** Thur 2/2/2017 2:16:30 PM  
**Subject:** RE: Canadian contact

Liam,

Probably me at this point. However, for at least the next couple of weeks we are holding off on meetings and are running all communication through our comms people. For now there are two, John Konkus and Doug Ericksen (both copied).

David

202.564.3113

**From:** Liam.Stone@international.gc.ca [mailto:Liam.Stone@international.gc.ca]  
**Sent:** Wednesday, February 1, 2017 5:57 PM  
**To:** Kreutzer, David <kreutzer.david@epa.gov>  
**Subject:** Canadian contact

Hi David,

I think Salim mentioned that the office of the Canadian Minister of Environment and Climate Change is eager to reach out to someone on your team in the near future.

Would you mind if I passed along your contact or is there someone else more appropriate to speak to on North America/International issues? The Canadian folks in question are political staff so they will be looking for an equivalent, political contact.



Thanks,

Liam

Liam Stone

Executive Director, Policy

Government of Alberta Washington Office

Embassy of Canada

202-448-6478

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**To:** Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**Cc:** Reeder, John[Reeder.John@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Mon 1/30/2017 8:31:16 PM  
**Subject:** Information on Climate Leadership Conference (ref: 1/27 Climate Wire Story)

Please see below. Let us know if you have questions or need more info.

Thanks ng

#### Background on the Climate Leadership Conference

- The Climate Leadership Conference is hosted annually by the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. EPA has a co-sponsorship agreement with the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. As part of that agreement, EPA is a headline sponsor of the Climate Leadership Conference and is co-organizer of the Climate Leadership Awards.
- The conference is an exchange for thought leaders from business, government, academia, and the non-profit community to share best practices for integrating GHG reduction and climate risk and resilience strategies into their organization's operations. Approximately 400 participants attend, comprised of leaders from business, government, academia, and the non-profit community.
- The 2017 Climate Leadership Conference will take place March 1-3 in Chicago.

#### 2017 EPA speakers/participants at the Climate Leadership Awards

- At the 2017 CLAs (awards dinner on March 2), EPA currently plans to have EPA Center for Corporate Climate Leadership staffer Roger Fernandez read the award winner profiles for two of the six award categories at the awards event.
- Note: In the past, EPA has served as the emcee for the awards events and former Administrators, AAs and RAs have delivered keynote addresses. Based on the timing of the event and the Presidential transition, EPA is not currently planning to fulfill these roles.

## Background on the Climate Leadership Awards

- The Climate Leadership Awards is a national awards program that recognizes and incentivizes exemplary U.S. corporate, organizational, and individual leadership in response to reducing GHG emissions. Award recipients represent a wide array of industries, including finance, manufacturing, retail, technology, and local government. Recipients have demonstrated leadership in managing and reducing greenhouse gas emissions in internal operations and throughout the supply chain, as well as integrating climate resilience into their operating strategies.
- Now in its sixth year, the program has honored more than 100 recipients; the awards continue to highlight leadership in addressing climate change by reducing carbon pollution and implementing adaptation planning initiatives. The Climate Leadership Awards Dinner takes place during the annual Climate Leadership Conference.

### **EPA To Sponsor Climate Change Conference.**

ClimateWire (1/27, Chemnick) reported that the EPA is listed as a headline sponsor of the three-day Climate Leadership Conference, which will award private-sector companies for achievements in carbon reduction. Although “the EPA will likely be led soon by a climate skeptic,” there have been no reports that the conference will be impacted.

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

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United States Environmental Protection Agency

## Midday Update

Bulletin  
INTELLIGENCE

Online version available at [epa.bulletinintelligence.com](http://epa.bulletinintelligence.com)

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: MONDAY, JANUARY 23, 2017 1:00 PM EST

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### OFF THE WIRES:

#### **British Prime Minister Under Fire Over Reports Of Erroneous Trident Missile Test.**

The British government says Prime Minister Theresa May was informed upon her ascension to the leadership of a pending test of the Trident missile system that reportedly went awry. The issue has riled Labour and Scottish National Party members of Parliament, because May urged the body to renew the Trident nuclear weapons program without mentioning whether there had been an erroneous test.

### IN THE WHITE HOUSE AND AROUND TOWN:

#### **Trump Signs Executive Orders On TPP, Federal Hiring Freeze, Abortion.**

President Trump today signed three executive orders in a brief ceremony in the Oval Office. The first ends US participation in the negotiations for the Trans-Pacific Partnership trade deal. The second freezes hiring of Federal workers except for the military. The third reinstates the Mexico City language, which bars spending federal funds for international groups that perform abortions or that provide information on abortion procedures.

#### **Trump Meets With Manufacturing Executives.**

President Trump today met with corporate CEOs, where he announced he would follow through on his promises on trade, corporate tax reform, and cutting regulations. Vice President Pence, White House chief of staff Reince Priebus, and chief strategist Steve Bannon also attended the meeting. Among the attendees from the business community were Michael S. Dell, Dell Technologies; Jeff M. Fettig, Whirlpool; Mark Fields, Ford Motor Company; Alex Gorsky, Johnson & Johnson; Marilyn A. Hewson, Lockheed Martin; Klaus Kleinfeld, Arconic; Andrew N. Liveris, Dow Chemical; Mario Longhi, US Steel; Elon R. Musk, SpaceX; Kevin Plank, Under Armour; Mark S. Sutton, International Paper; and Wendell P. Weeks, Corning.

In his remarks, President Trump said, "This is really our first official meeting. And Andrew, it is nice to have you set everything up so well, and I hear that your company is doing well. And I really do, I appreciate, we'll get to know each other very well. We'll have these meetings every – whenever you need them. I would say every quarter, perhaps. You could say monthly but then all of a sudden monthly becomes repetitive. As we now, it sounds good but then it gets repetitive. But I would say on a quarterly basis.

"You are great people, you've done an amazing job and the biggest in the world. And this is a worldwide meeting, and what we want to do is bring manufacturing back to our country. Vice President Pence, good morning, is very much involved with me on that. It's what the people wanted. It's one

the reasons I'm sitting here instead of someone else sitting here. I think it's something I'm good at. We've already had a big impact, and I want to thank Mark and Ford because you've been great. I think that Marilyn is going to be terrific, we'll find out soon. That's Lockheed Martin.

"I think we're going to have a terrific amount of business coming back here. If you read today's papers, you'll see what's happening with four or five different companies that announced that they feel much differently. Foxcon is going to spend a tremendous amount of money on building a massive plant and probably more than one. So that's what we want. We want to start making our products again. We don't want to bring them in, we want to make them here. That doesn't mean we don't trade because we do trade, but we want to make our products here.

"If you look at some of the original great people that ran this country, you will see that they felt very strongly about that, about making products. We're going to start making our products. There will be advantages to companies that do, indeed, make their products here. We've seen it. It's going to get – it's going to be a wave – you watch. It's going to be a win. I've always said, by the time you put them on these massive ships or airplanes and fly them, I think it's going to be cheaper.

"What we're doing is we are going to be cutting taxes massively for both the middle class and for companies, and that's massively. We're trying to get it down to anywhere from 15 percent to 20 percent, and it's now 35 percent. But it's probably more 38 percent than it is 35, wouldn't you say? That's a big thing.

"A bigger thing, and that surprised me, is the fact that we're going to be cutting regulation massively. We're going to have regulation and it will be just as strong and just as good and just as protective of the people as the regulation we have right now. The problem with regulation that we have right now is you that can't do anything. I have people that tell me they have more people working on regulations than they have doing product, and it's out of control. It's gotten out of control.

"I'm a very big person when it comes to the environment. I've received awards on the environment, but some of that stuff makes it impossible to get anything built. It takes years and years – you can look at some examples, I read one recently where a man has been trying to build a factory for many, many years, and his vote was going to be fairly soon, and he gave up because he wasn't going to win the vote. Spent millions and millions of dollars. Actually ruined his life. We can't have that.

"If somebody wants to put up a factory, it's going to be expedited. You have to go through the process, but it's going to be expedited, and we're going to take care of the environment, we're going to take care of safety and all the other things we have to take care of. You're going to get such great service. There will be no country that's going to be faster, better, more fair, and at the same time protecting the

people of the country, whether it's safety or so many other reasons.

"We think we can cut regulations by 75 percent, maybe more, but by 75 percent. To have, in a certain way, better protections. But when you want to expand your plant or when Mark wants to come in and build a big massive plant or when Dell wants to come in and do something monstrous and special, you're going to have your approvals really fast. And the one thing that surprised me, and I want to hear what you have to say. The one thing that surprised me, going around and meeting with a lot of people at this table and meeting with a lot of the small business owners. If I gave them a choice of this massive tax decrease that we're giving for business, for everybody, but for business, or the cutting down of regulation, if I took a vote, I think the regulation wins 100 percent. In one case it's hard dollars. In the other case it's regulation. You would think that the regulations would have no chance. It's – I've never seen anything like it, virtually everybody is happier with regulation than even cutting the taxes.

"The regulations are going to be cut massively and the taxes are going to be cut way down. You're going to have now incentive to build. The one thing I do have to warn you about, when you have a company here, you have a plant here, it's going to be in Indiana or it's in Ohio or it's in Michigan or it's in North Carolina or Pennsylvania, anywhere in this country, when it decides – when you decide – if you decide to close it and you no longer will have a real reason because your taxes will be lower – by the way, if you go to another state, that's it, that's great. If you can go from Ohio to Indiana or from Indiana to Ohio, that's fine. You have 50 great wonderful governors to negotiate with. It's not like we're taking away competition.

"But if you go to another country and you decide you're going to close and get rid of 2,000 people or 5,000 people, I tell you, United Technologies was an example with Carrier and I got involved two years after they announced. In all fairness, that was tough, but United Technologies was terrific and brought back many of those jobs. But if that happens, we are going to be imposing a very major border tax on the product when it comes in, which I think is fair. So a company that wants to fire all of its people in the United States and build some factory someplace else and then thinks that product is going to just flow across the border into the United States, that's not going to happen. They're going to have a tax to pay, a substantial border tax.

"Now, some people would say that's not free trade, but we don't have free trade now. We're the only one that makes it easy to come into the country. If you look at China, if you look at many other countries, I don't have to name them, but many other countries, they can't believe what we do. We take in things free. Yet, if you want to take a plant or want to do something, sell something into China and other countries, it's very, very hard. In some cases it's impossible. They won't even take your product. But when they do take your product,

they charge a lot of tax. So I don't call that free trade. What we want is fair trade, fair trade.

"We're going to treat countries fairly, but they have to treat us fairly. If they're going to charge tax to our countries – if, as an example, we sell a car into Japan and they do things to us that make it impossible to sell cars in Japan and yet they sell cars in to us and they come in by the hundreds of thousands on the biggest ships I've ever seen, we have to all talk about that. It's not fair. It's not fair. Never was. I just can't believe it took so long for somebody to come along. So that's the only thing I will tell you. Essentially I'm talking about no tax. If you stay here, there's no tax. Somebody would say, oh, Trump is going to tax. I'm not going to tax. There is no tax, none whatsoever. I just want to tell you, all you have to do is stay. Don't leave. Don't fire your people in the United States. We have the greatest people, and many other countries have great people. We all have great people. This isn't that kind of competition. Everybody has great people. If we're going to fire people and build a product outside, not going to happen. So with that, we'll take some questions. Marilyn, you want to start? Gotten to know Marilyn very well, in deep negotiation."

#### ***Trump Asks CEOs For Manufacturing Action Plan.***

After the meeting, Dow Chemical CEO Andrew Liveris said President Trump has asked the CEOs to develop an action plan to stimulate the US manufacturing sector.

***Trump Tweets On "Busy Week."*** President-elect Trump today touted his meeting with manufacturing executives via both the @POTUS and @realDonaldTrump handles. Trump tweeted, "Busy week planned with a heavy focus on jobs & national security. Top executives coming in at 9 A.M. to talk manufacturing in America. –DJT"

#### ***Other Business: Trump Signing Executive Orders, Meeting With Union Leaders, Congressional Leadership.***

In other actions today, President Trump met with Vice President Pence for lunch, and will hold an afternoon listening session with union leaders and workers. This evening, the President will host a bicameral leadership reception. The invitees include Speaker Paul Ryan, House Majority Leader Kevin McCarthy, Senate Majority Leader Mitch McConnell, Senate Majority Whip John Cornyn, Senate Minority Leader Chuck Schumer, Senate Minority Whip Dick Durbin, House Minority Leader Nancy Pelosi, and House Minority Whip Steny Hoyer. The President will hold a separate meeting with Ryan afterward.

**Trump To Nominate Wilson To Serve As Air Force Secretary.** The White House press secretary today announced President Trump intends to nominate former Rep. Heather Wilson (R), the President of the South Dakota School of Mines & Technology, to serve as Secretary of the Air Force. If confirmed, the White House says "she will be the first Air Force Academy graduate to become Secretary of the Air Force."

## **Cardin To Oppose Tillerson For State; Rubio Backs Nominee.**

On the day the Senate Foreign Relations Committee is scheduled to vote on the nomination of Rex Tillerson for Secretary of State, lawmakers are split exactly down party lines. Ranking Member, Maryland Sen. Ben Cardin (D), announced Monday he would oppose President Donald Trump's pick. "After long and careful consideration, I believe Mr. Tillerson's demonstrated business orientation and his responses to questions during the confirmation hearing could compromise his ability as Secretary of State to forcefully promote the values and ideals that have defined our country and our leading role in the world for more than 200 years," Cardin said in a prepared statement. He specifically highlighted Tillerson's unwillingness to call Russia and Syria's actions "war crimes" and extrajudicial killings in the Philippines "gross human rights violations." Meanwhile, Florida Sen. Marco Rubio (R), who had been the sole Republican holdout, announced he will vote for Tillerson despite his reservations. "Given the uncertainty that exists both at home and abroad about the direction of our foreign policy, it would be against our national interests to have this confirmation unnecessarily delayed or embroiled in controversy," Rubio said in a prepared statement.

## **McCaskill To Vote Against DeVos, Has Concerns About Sessions.**

On MSNBC's "Morning Joe," Missouri Sen. Claire McCaskill (D) said she would evaluate each of President Trump's cabinet nominees individually. She added, "I had worked with" Defense Secretary-designate James Mattis and Homeland Security Secretary Gen. John Kelly, and "I do think they are a tempering influence on some of Donald Trump's irresponsible rhetoric when it comes to the worldwide stage."

However, she added, "I will be voting against Betsy DeVos" as Education Secretary "because I don't think she's qualified by her answers. If she doesn't know what IDEA is, which is the act protecting the disabled people within our education system, if she doesn't know the issue of proficiency versus growth, she doesn't belong in that job. I will be voting against" Scott Pruitt for EPA Administrator.

She added, "I am still trying to decide on everyone else, but I will tell you about" Attorney General-designate Jeff Sessions, because "what people need to understand about a prosecutor, and I know this where I live, is that it is not as simple as saying I'm going to enforce the law. Discretion is the power of a prosecutor. They don't call 911 on crimes. The attorney general gets to decide where they use their resources and the fact that Sessions – Jeff Sessions would be exercising that discretion worries me a great deal...based on his voting record." She said the Senate would approve CIA Director-designate Mike Pompeo "by a large margin" and "and I will vote for him."

## **Fleischer: White House Needs To Selectively Pick Fights With Media.**

On CBS News "This Morning," former Bush 43 White House press secretary Ari Fleischer said the inaugural attendance was the wrong fight with the media for White House spokesman Sean Spicer to pick. Fleischer said, "It concerns me because it is one thing to take on the press. That's a time honored tradition in Washington, DC. ... Take them on when you have high ground. The part about how many people showed up in the audience of the inauguration, who cares? It is not worth fighting over." He added that for Spicer and President Trump, "I just think the fundamental issue is – wrong fight. If you want to get into a fight with the press about them trying to delegitimize his presidency, that's fair game. But a fight over who had more people at the inauguration is not worth your Saturday."

Fleischer added for Spicer, "This is a time when you are told, get out there and fix it and do it now. It doesn't give you time to prepare. Can't develop the facts the way you want to. He did his job to represent the President. Today is the press's day. They will ask questions. Today he'll be challenged on it. He has to back up the statistics he used. My advice to Sean is if you used a statistic that's wrong, correct it today. There is no harm done if you are press secretary saying I got a statistic wrong and walk it back. If you are making a broader point about the press make your broader point. Cool the confrontation down a notch or three." However, he added the press has been "hostile to Donald Trump throughout. Donald Trump has been happy to return the favor," but reporters "are too fast to hit Twitter and too slow to ask questions."

## **McCaskill Hopes Women's March Translates Into Action For Democrats.**

On MSNBC's "Morning Joe," Missouri Sen. Claire McCaskill (D) discussed the Saturday women's march in Washington, saying, "I was shocked at how organic this was and how enormous the outpouring was." She added, "This was not some giant organization that was top down. This came from the bottom up. And so, I hope Donald Trump...pays attention." McCaskill added, "I, frankly, said in a very short remark to the crowd in St. Louis, hey, quit yelling at the TV and let this not be the last time you use some shoe leather. And we will be trying very hard to capture...this energy and make sure it translates into volunteers, and door-knocking, and all of the things that are really necessary for us to fight, particularly with Citizens United the amount of dark money that is going to flow into these mid-term elections."

McCaskill added, "I do think some of this outpouring is a sense of responsibility that way too many people were not paying close enough attention. That there were a whole lot of people in America that Donald Trump was talking to that didn't hear our side and that's why I want to make sure that we don't get caught up in gender politics or ethic politics."

We've got to get caught up in making sure that we are communicating to Americans that with repeal of Obamacare, the tax cut that's coming, not one dime of that tax cut will go to anybody who makes under \$200,000."

## **Gingrich Says Madonna Should Be Arrested For White House Statement.**

Newt Gingrich today said pop star Madonna "ought to be arrested" for remarks she made at the Washington women's march on Saturday. At the rally, Madonna said she has "thought an awful lot about blowing up the White House." Gingrich characterized her as part of "an emerging left-wing fascism."

## **Supreme Court Rejects Texas Voter ID Law Appeal.**

The Supreme Court today rejected Texas' appeal of a lower court ruling that found the state's voter identification law to be discriminatory. In a brief statement, Chief Justice John Roberts said the case was continued at the Federal district court level and the high court may review it at a later date.

In other developments today, the high court:

### ***Rules Against Challenge To Utah Polygamy Law.***

The Supreme Court today rejected the appeal from the TV family from the "Sister Wives" program that challenges the Utah law barring polygamy. The action leaves a lower court ruling in place that found the family lacked standing to challenge the law because they were not charged under it.

***Denies Challenge To Illinois Concealed Carry Permit System.*** The Supreme Court declined to hear an appeal to Illinois concealed carry permit system. Three state residents had challenged the state rules after their permit requests were denied.

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